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 OFFICER GARY MORIYAMA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMAL JACKSON; JANNIE MENDEZ,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO, et al

Defendants.

Case No. C08-1916 SBA

**DECLARATION OF SEAN F.
 CONNOLLY IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' MOTION TO RELATE
 CASES**

SHAWN MYERS and SARAH MYERS,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO, et al.

Defendants.

Case No. C08-01163 MEJ

**DECLARATION OF SEAN F.
 CONNOLLY IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' MOTION TO RELATE
 CASES**

1 I, Sean F. Connolly, declare as follows:

2 1. I am a Deputy City Attorney in the Office of the City Attorney, counsel of record to
3 Defendants in this action. I have personal knowledge of the contents of this declaration, except where
4 indicated otherwise, and I could and would testify competently thereto if called upon to do so.

5 2. On June 26, 2008, Magistrate Judge Larson, Judge Chesney, Judge Hamilton, and
6 Magistrate Judge James, correctly ruled that a group of cases (including *Myers*) were not related
7 simply because one of the named police officer defendants was common to each case. A true and
8 correct copy of the Order, identified as Doc. Entry No. 48, in the matter entitled *Oliver v. CCSF, et*
9 *al.*, Case No. C07-2460, is attached hereto as Exhibit A.

10 3. Furthermore, On August 14, 2007, Magistrate Judge Larson denied a similar request
11 by plaintiffs in unrelated case who so moved simply because the cases involved Officer Serna. A true
12 and correct copy of that Order, identified as Doc. Entry No. 16, in the matter entitled *Oliver v. CCSF,*
13 *et al.*, Case No. C07-2460, is attached hereto as Exhibit B.

14 I declare under penalty of perjury pursuant to the laws of the State of California that the
15 foregoing is true and correct.

16 Executed August 4, 2008, at San Francisco, California.

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18 s/Sean F. Connolly
19 Sean F. Connolly
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EXHIBIT A

TO

**DECLARATION OF SEAN F. CONNOLLY IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION TO RELATE CASES**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RELATED CASE ORDER

A Motion for Administrative Relief to Consider Whether Cases Should be Related or a *Sua Sponte* Judicial Referral for Purpose of Determining Relationship (Civil L.R. 3-12) has been filed. The time for filing an opposition or statement of support has passed. As the judge assigned to the earliest filed case below that bears my initials, I find that the more recently filed case(s) that I have initialed below are related to the case assigned to me, and such case(s) shall be reassigned to me. Any cases listed below that are not related to the case assigned to me are referred to the judge assigned to the next-earliest filed case for a related case determination.

C 07-02460 JL Oliver v. City and County of San Francisco et al

C 07-02718 MMC Hwang v. City and County of San Francisco et al

I find that the above case is related to the case assigned to me. _____

C 07-02941 PJH Maestrini v. City & County of San Francisco et al

I find that the above case is related to the case assigned to me. _____

C 08-01163 MEJ Myers et al v. City and County of San Francisco et al

I find that the above case is related to the case assigned to me. _____

ORDER

Counsel are instructed that all future filings in any reassigned case are to bear the initials of the newly assigned judge immediately after the case number. Any case management conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly. Unless otherwise ordered, any dates for hearing noticed motions are vacated and must be re-noticed by the moving party before the newly assigned judge; any deadlines set by the ADR Local Rules remain in effect; and any deadlines established in a case management order continue to govern, except dates for appearance in court, which will be rescheduled by the newly assigned judge.

Dated: _____
Magistrate Judge James Larson

Dated: _____
Judge Maxine M. Chesney

Dated: _____
Judge Phyllis J. Hamilton

CLERK'S NOTICE

The court has reviewed the motion and determined that no cases are related and no reassignments shall occur.

Richard W. Wieking, Clerk

DATED: 6-26-08

By: *Shirley Horn*
Deputy Clerk

EXHIBIT B

TO

**DECLARATION OF SEAN F. CONNOLLY IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION TO RELATE CASES**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY OLIVER, II,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

No. C 07-2460 JL

ORDER THAT CASES ARE NOT
RELATED

C-07-2941 PJH, Maestrini v CCSF
C-07-2718 WDB, Hwang v CCSF, et al.

The Court received Plaintiff's Administrative Motion to relate Cases pursuant to Civil Local Rule 3-12 and Defendants' opposition to the motion. All parties in the *Oliver* case have consented to this Court's jurisdiction as provided by 28 U.S.C. §636(c) and Civil Local Rule 73.

Civil Local Rule 3-12(a) provides the following definition of related cases:

An action is related to another when:

(1) The actions concern substantially the same parties, property, transaction or event; and

(2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

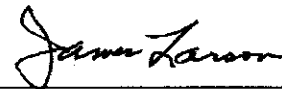
1 The Court reviewed the moving and opposing papers and concludes that the cases
2 should not be related. They involve different plaintiffs. They involve different groups of
3 defendants. They involve entirely distinct incidents occurring over a period of nine months.
4 They involve different legal theories. One case involves allegations of false arrest and use
5 of a baton. Another involves allegations of an unlawful detention, but not an arrest, and the
6 use of physical force. Yet another involves allegations against two named officers, one who
7 is not alleged to have been involved in any other incident.

8 No judicial resources would be conserved by relating these cases. There would be
9 no undue burden on the parties or the Court if they are not related.

10 Accordingly, the motion to relate cases is denied.

11 IT IS SO ORDERED.

12 DATED: August 14, 2007

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14 James Larson
15 Chief Magistrate Judge
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